

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

JOHN NOAKES

Plaintiff,

v.

CASE WESTERN RESERVE
UNIVERSITY, ET AL

Defendants

Case No. 1:21-cv-01776

Judge: BARKER

AFFIDAVIT OF MICHELLE
MURPHY

Michelle Murphy does depose and state as follows:

1. I am a resident of New Brunswick, Canada. I am submitting this Affidavit in support of the John Noakes' claims against Case Western Reserve University ("CWRU"). I am not a student at CWRU.
2. I have asked counsel to redact my name in any filings because I fear retaliation from CWRU and others for my role in this matter.
3. I am familiar with the student identified as John Noakes in this matter. I am not John Noakes' girlfriend and we do not have a romantic relationship. I am his friend.
4. I have had the opportunity to review the Complaint filed in this matter and am aware of the allegations made by Plaintiff in this case.
5. I created the "Tumblr" about the investigation by CWRU into the allegations that John Noakes committed sexual misconduct. I am aware that CWRU is now investigating whether this Tumblr constituted retaliation by John Noakes against the woman identified in this matter as Jane Roe.
6. John Noakes did not create the Tumblr.
7. John Noakes did not direct me to create the Tumblr or make any posts.

8. John Noakes did not take any steps to publicize the Tumblr.
9. John Noakes was not even aware of the Tumblr until many weeks after its creation. Specifically, prior to the end of September 2021, John Noakes had no knowledge that I was making the Tumblr.
10. I have been informed that on September 10, 2021 John Noakes was asked about the Tumblr by a person in the CWRU Title IX Office. I have also been informed that he told the CWRU Title IX Office, "I have no knowledge of who is making the Tumblr posts and have not directed anyone to make such posts." John Noakes' statement on September 10, 2021 was completely true and accurate.
11. I "met" John Noakes on a social media platform in February 2020. We have become good friends and often communicate either by phone or SnapChat.
12. I am aware that John Noakes was involved in an online support group for students and others who have been falsely accused on sexual misconduct mostly by colleges and universities. These students believe that schools may be well-intentioned in trying to eliminate sexual misconduct on campus, but that this admirable goal has led to the deprivation of rights for many of them. I briefly participated in some of these on-line conversations. John Noakes and other students share stories and information about how they have been mistreated by schools in general and particularly how colleges and universities treat those accused of sexual misconduct with a presumption of guilt. As a result, a lot of people had access to the information that I included in the Tumblr.
13. John Noakes shared with me information about his relationship with Jane Roe and the investigation by CWRU. He did this because we were friends. He was very depressed, perhaps even suicidal at times.
14. I asked John Noakes to provide me with details about his relationship with Jane Roe and the CWRU investigation. I did this so I could better understand what he was going through. He was

initially reluctant to share this information; all he would tell me was that he had been dating a girl from his school and that after they broke-up she threatened and harassed him.

15. In April 2021, John Noakes first shared with me details about his relationship with Jane Roe and the school's investigation. He also said that various school administrators took her side even after he had been exonerated by a school hearing. He said that school administrators were threatening and harassing him because they were unhappy with the outcome of the hearing. He told me about efforts to ostracize him by other students in his medical school class and that students had created an on-line petition seeking his removal from the school..
16. In the spring of 2021, I reached out to the Title IX Office to share my concerns about John Noakes' health and well-being. I did this despite John Noakes being adamant that I not contact anyone because he feared being accused of retaliation. I submitted a "Care Report" on CWRU website and eventually spoke to Shirley Mosley, Associate Vice President for Student Affairs & Dean of Students. I told her of my criticisms of the CWRU Title IX process, my concerns that John Noakes was the victim of retaliation, and that he needed additional resources. I am not aware of any specific actions taken by Mosley following our conversation.
17. In the summer of 2021, I spoke to Dr. Greenfield to share my concerns about John Noakes' health and well-being. I did this without John Noakes' knowledge. I told her of my criticisms of the CWRU Title IX process, my concerns that John Noakes was the victim of retaliation, and that he needed additional resources. She seemed empathetic and caring, however shortly after our conversation I am aware that she started to coerce John Noakes to take a year off from school and drop his Title IX retaliation complaint against Jane Roe and Greenfield's boss.
18. John Noakes shared with me his fear that the online criticism of CWRU not taking seriously complaints of female students alleging sexual assault by male students would lead the school to try to make an example out of him. As a result of our discussions, I became familiar with a group

of CWRU students, “CWRU Survivors,” who had established the @cwru.survivors and @MeTooCWRU Instagram pages.

19. In the spring of 2021, I spoke to a student who was involved with MeTooCWRU. I did this without John Noakes’ knowledge. I told her my concerns about John Noakes’ matter. She initially said she was not familiar with the situation but would ask around. She later learned about John Noakes’ situation. She told me in a subsequent conversation, “I know he is guilty because everyone says so.”
20. Shortly after my conversation with the CWRU student, I decided to start the Tumblr to share information and evidence with her. I used information shared with me by John Noakes in the Tumblr. I am not aware of any CWRU policy or procedure that prevents a CWRU student from sharing communications with an ex-girlfriend with anyone. Nor am I aware that John Noakes broke any CWRU policies or rules by sharing information about the disciplinary process with me. To be clear, John Noakes shared this information with me as a friend to let me know what was happening in his life; he did not share the information with me to harm Jane Roe.
21. I had three purposes in creating the Tumblr. First, I hoped to open the minds of other medical students and students in #MeToo group. I hoped that if they knew the actual facts, they would accept that John Noakes was “not guilty” and stop harassing and ostracizing him at school.. Second, I was frustrated at the fact that CWRU was not taking seriously the retaliation and harassment against John Noakes. In my view, John Noakes was being silenced and punished while others were allowed to cause him embarrassment and distress with impunity. Third, I wanted to share my criticism of the CWRU Title IX process; I hoped to point out the flaws in the system so that the school would respond in a different manner in the future.
22. I did not create the Tumblr to embarrass intimidate, threaten, coerce, or harass Jane Roe or cause her any mental distress. In fact, I went out of my way to make sure that Jane Roe could not be

identified in the Tumblr. I redacted Jane Roe's name in all of the documents I posted. I even changed her initials – the Tumblr refers to Jane Roe as “ATL” but those are not her real initials.

23. I linked to the Tumblr in an Instagram page. People at the medical school started to follow me and share the links. I received a number of direct messages with medical students. One message, which I believe was from Jane Roe, said, “Stop trying to gaslight our entire class.” I also received some anonymous comments supporting the page.
24. Around September 7, 2021, John Noakes told me that Dr. Greenfield had accused him (or one of his friends at the direction of John Noakes) of making a Tumblr discussing the investigation by CWRU. John Noakes told me that he had no knowledge of any such Tumblr, and he did not even have a link. In fact, John Noakes was concerned that the Tumblr referred to by Dr. Greenfield was either another on-line petition circulated by Jane Roe and her friends seeking to have him removed from the medical school. John Noakes was also concerned that Jane Roe and her friends had created the Tumblr in order to “set him up” and make him look guilty. I did not disclose to him at this time that I was the author of the Tumblr.
25. When John Noakes initially informed me that he had learned about the Tumblr from CWRU, I did not tell him that I was the author. I did this because I was fearful that CWRU would use the Tumblr as an excuse to retaliate against John Noakes and that he would get in trouble if he was aware of the author.
26. On October 13, 2021, I revealed to John Noakes' attorney that I was the author of the Tumblr. I knew that CWRU was trying to blame John Noakes for the Tumblr even though he had nothing to do with it. I told counsel that “I made the blog without [John Noakes'] knowledge...” A copy of the email I sent to Counsel is set forth here:



[REDACTED]
[REDACTED] / Tumblr

Inbox - EM LLC October 13, 2021 at 4:07 PM

To: Joshua Adam Engel

Hi Josh,

I know your client, [REDACTED], and I am writing to you because I am the one who created the tumblr blog ATLtexts. I made the blog without his knowledge out of frustration of the maltreatment he has been receiving and was tired of him being silenced, which thwarted him from being able to share any of this information himself. He does not know I am reaching out to you, but if it helps him with his case, I am willing to come forward & attest to these facts as I fear my actions will be pinned onto him.

Best,

[REDACTED]

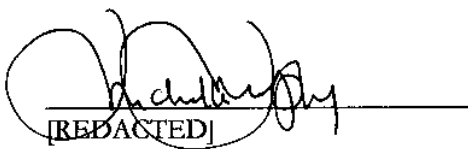
27. I am coming forward now because I fear John Noakes will be unfairly punished because the Tumblr is critical of the manner in which CWRU handles investigations of allegations of sexual misconduct. John Noakes should not face discipline for the Tumblr because for a long time he did not even know who was posting the information.

Pursuant to 28 U.S. Code § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st Day of October 2021.

[REDACTED]

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[REDACTED]